

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, ) 8:01CR113  
                              )  
Plaintiff,                )  
                              )  
v.                         ) ORDER  
                              )  
DAMION WELLS,            )  
                              )  
Defendant.                )

This matter is before the court sua sponte. On August 20, 2008, this court ordered the defendant to file a response informing the court of the reasons why he filed an untimely appeal to his motion for sentence reduction Filing No. [157](#). Thirty days have expired and defendant has failed to comply with the court's order. Accordingly, the court finds the notice of appeal is untimely.

THEREFORE, IT IS ORDERED that the defendant's notice of appeal, Filing No. [155](#), is denied as untimely.

DATED this 25<sup>th</sup> day of September, 2008.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief District Judge